



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/959,748	10/28/97	CLEMMER	P PD-30-3986DI

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LOIS A GIANNESCHI
ALLIED SIGNAL INC
LAW DEPARTMENT
P O BOX 2245
MORRISTOWN NJ 07962-2245

EXAMINER

PRYOR, A

ART UNIT	PAPER NUMBER
1616	17

DATE MAILED: 10/03/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/959,748

Applicant(s)

Clemmer et al

Examiner

Alton Pryor

Group Art Unit

1616



☒ Responsive to communication(s) filed on Jul 24, 1900

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-9, 19, and 20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 20 is/are allowed.

☒ Claim(s) 1-4 and 6-9 is/are rejected.

☒ Claim(s) 5 and 19 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1616

Detailed Action

I. Claim 1 rejection under 35 U.S.C. 112, 2nd paragraph is maintained. The examiner was unable to find support for the HF:FCICH₂ ratio for 100:1 in exhibit A. Upon request by the examiner to the applicants to point out where in Exhibit A is this ratio shown or discussed, the applicants replied that they believe that the recited ratio of HF:FCICH₂ ratio of 100:1 is supported by exhibit A. No further explanation by the applicants was made. For this reason the rejection under 35 U.S.C. 112, 2nd paragraph cited in paper no. 15 is maintained (office action of 4/24/00).

II. Claim Rejection under 35 U.S.C. 102 (a,e) is reinstated. In light of applicants' response to the new ground of rejection under 35 U.S.C. 112, 2nd paragraph cited in Official Office Action dated 4/24/00 (paper no. 15), the claim rejection under 35 U.S.C. 102 (a,e) made in office action dated 1026/99 (paper no. 13) is reinstated and read as follows:

Claim Rejections under 35 U.S.C. 102(a,e)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-4,6-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Bonniface et al. (WO 9421579). Bonniface teaches the process of the instant invention. Bonniface teaches a

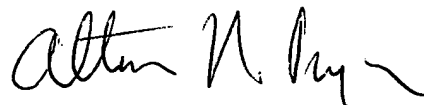
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Telephonic Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alton Pryor whose telephone number is (703) 308-4691. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose Dees, can be reached on (703) 308-4628. The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.

A handwritten signature in black ink, appearing to read "Alton N. Pryor", with a stylized flourish at the end.

Alton Pryor

Patent Examiner, AU 1616

10/2/00